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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	CASE NO. 09-38264
	§	
LIF ESMAEL MODABBERI	§	CHAPTER 13
	§	

First State Bank, Mesquite	§
v.	§
LIF ESMAEL MODABBERI	§
	§
	§
	§

DEBTORS' RESPONSE TO
MOTION FOR RELIEF FROM STAY
FILED BY First State Bank, Mesquite

COMES NOW the Debtors above-named, through counsel, in response to the Motion for Relief from Stay filed herein and respectfully show the Court:

ALLEGATIONS

1. The Debtors admit the factual allegations contained in paragraphs: 2, 3, 4, 5, 6, 8, 9, 10, 12.
2. The Debtors deny the factual allegations contained in paragraphs: 1, 7, 11, 13, 14, 15, 16, 17, 18, 19.
3. The Debtors do not possess sufficient information to either admit or deny the factual allegations in paragraphs: .

ADEQUATE PROTECTION

4. The Debtor(s) may have equity in the property at issue. Moreover, the automatic stay has

not resulted in any decrease in value of the property and no such decrease in the value of the property will occur by allowing the automatic stay to remain in effect. Finally, the Debtor(s) have provided for payment of any arrearage under the note and security agreement in the Plan of Reorganization. In accordance with the practices and procedures of the Standing Chapter 13 Trustee's Office, movant is receiving payments on said pre-petition arrearage through Debtor(s)' Plan of Reorganization. Should any post-petition default actually exist, Debtor(s) will enter an agreement with Movant to cure same. Thus, Movant's interest in the property is adequately protected under the provisions of the Bankruptcy Code and no "cause" exists to lift the automatic stay.

THEREFORE, the Debtor(s) request that the Motion be denied and the stay remain intact.

Respectfully submitted,

/s/ Rustin Polk
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ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on all parties as indicated on April 15, 2010.

/s/ Rustin Polk

Movant:

First State Bank, Mesquite
c/o counsel:
Jonathan L. Howell
Munsch Hardt Kopf & Harr, P.C.
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Dallas, TX 75201-6659
via ecf

Bankruptcy Trustee:

Tom Powers
Standing Chapter 13 Trustee
125 E. John Carpenter, Ste 1100
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via ecf

US Trustee:

William Neary
Office of the US Trustee
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Debtors:

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**All Parties Requesting
Notice**

via ecf or usps first class

